



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 17429-24 I.B.

AGENCY DKT. NO. C138492003 (BURLINGTON COUNTY BD. OF SOC. SVCS)

Petitioner appeals from the Respondent Agency's denial of Supplemental Nutrition Assistance Program ("SNAP") benefits at recertification, and the termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Emergency Assistance benefits. The Agency denied Petitioner's application for SNAP benefits at recertification, contending that Petitioner had failed to provide income verification as requested and required to determine her eligibility for continued SNAP benefits, and terminated Petitioner's WFNJ/TANF benefits for the same reason. Petitioner's EA benefits were terminated because Petitioner was no longer a WFNJ/TANF benefits recipient, nor was anyone in Petitioner's assistance unit a Supplemental Security Income ("SSI") benefits recipient, as well as based on exhaustion of the lifetime limit for EA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 17, 2024, the Honorable Allison Friedman, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, admitted documents, and the record then closed. On December 18, 2024, the ALJ issued an Initial Decision, reversing the Agency's determinations and directing that all benefits be reinstated.

Exceptions to the Initial Decision were filed by the Agency on December 23, 2024.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby MODIFY the ALJ's Initial Decision, AFFIRM the Agency's determinations, and REMAND the matter to the Agency for action, based on the discussion below.

Once initial financial eligibility for a WFNJ/TANF benefits recipient has been established, financial eligibility continues to exist so long as the assistance unit's total countable income (with the benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) is less than the maximum benefit payment level allowable for the size of the assistance unit, in accordance with Schedule II at N.J.A.C. 10:90-3.3(b). See N.J.A.C. 10:90-3.1(c). For an assistance unit of three, the maximum allowable benefit level is \$559. See N.J.A.C. 10:90-3.3(b); see also DFD Informational Transmittal ("IT") No. 19-21.

Only WFNJ and SSI benefits recipients are eligible for EA benefits. See N.J.A.C. 10:90-6.2(a).

EA benefits are limited to 12 lifetime cumulative months, see N.J.A.C. 10:90-6.4(a), plus limited extensions for an "extreme hardship." See N.J.A.C. 10:90-6.4(b). A WFNJ/TANF benefits recipient may qualify for two six-month EA extensions if the Agency determines that a case of extreme hardship exists pursuant to N.J.A.C. 10:90-6.4(b)(1). See N.J.A.C. 10:90-6.4(d). While N.J.A.C. 10:90-6.4(b)(1) lists five eligibility criteria to be considered by the Agency, it should be noted the list is not exhaustive. See DFD Instruction 13-12-02 (clarifying that extensions "may be granted for additional



reasons beyond those listed in [the] regulation...only after conferring with DFD"). Thus, the maximum amount of EA benefits that a WFNJ/TANF cash recipient may receive is 24 months.

At recertification for continued receipt of SNAP benefits, the Agency may request documentation required to complete the application process. See N.J.A.C. 10:87-9.1(h). "A household which submits an application by the filing deadline but neither appears for an interview scheduled after the application has been filed, nor submits verification within the required time frame, shall lose its right to uninterrupted benefits. The CSSA shall deny the household's recertification application at the end of the last month of the current certification period." See N.J.A.C. 10:87-9.2(c)(5).

Here, an independent review of the record indicates that Petitioner was forwarded an application for recertification/redetermination of SNAP and WFNJ/TANF benefits on June 12, 2024, requesting that Petitioner sign and return the application and the addendum, and to provide any proof of income in the form of recent paystubs. See Exhibit R-A. The record further shows that Petitioner returned the application on June 25, 2024, and the application indicates no person applying for assistance being employed. See Exhibit R-B. Thereafter, on September 9, 2024, a systems report was run by the Agency which showed that the other adult in the assistance unit, T.H., had earned income in the second quarter of the year. See Exhibit R-D. As no proof of income in the form of paystubs had been provided by Petitioner, on September 9, 2024, the Agency terminated Petitioner's WFNJ/TANF benefits effective October 31, 2024. See Exhibit R-E. On or about October 4, 2024, Petitioner provided two requested paystubs. See Initial Decision at 2. I find the Agency's Exceptions credible that, contrary to the ALJ's statement, those paystubs are with the Agency for reevaluation, but that the reevaluation was pending the fair hearing and is still pending. See Exceptions at 1, 2. It should be further noted that, on December 5, 2024, the day after requesting the fair hearing in this matter, Petitioner provided additional income information from T.H.'s employer to the Agency. See Exhibit R-I. Additionally, the paystub provided on December 5, 2024, shows a year-to-date, "YTD," total earnings amount of \$8,503.45. Ibid.

Based on the fact that Petitioner provided no proof of income to the Agency with the recertification/redetermination application, and indeed, not until October 4, 2024, I find that the Agency's denial of continued SNAP benefits, effective August 1, 2024, is proper and must stand. See Exhibit R-F; see also N.J.A.C. 10:87-9.2(c)(5). Similarly, I find that the Agency's termination of Petitioner's WFNJ/TANF benefits, effective October 31, 2024, was also proper, as continued eligibility, based on earned income after application of appropriate disregards, could not be determined. See Exhibit R-E; see also N.J.A.C. 10:90-3.3(b) and DFD IT No. 19-21. Moreover, as no member of the assistance unit was a WFNJ, nor an SSI, benefits recipient, I find that the Agency's termination of Petitioner's EA benefits, effective November 25, 2024, on that basis, was also appropriate. See Exhibit R-G; see also N.J.A.C. 10:90-6.2(a).

However, as it appears that Petitioner may have submitted new applications for WFNJ/TANF, SNAP and EA benefits, see Exceptions at 2, and also given the protracted amount of time since the October 4, 2024, submission by Petitioner, with no reevaluation having occurred, and the additional income information submitted on December 5, 2024, which seems to possibly indicate a change in the assistance unit's circumstances, I am remanding this matter and direct the following. The Agency is to reevaluate and/or process any new applications made by Petitioner, on an expedited basis, within two weeks of this Final Agency Decision. Based on that reevaluation and/or processing, Petitioner shall be provided with immediate need, as appropriate. Should the substantive evaluation(s) result in further denials, Petitioner may request another fair hearing on those denials alone. The Initial Decision is modified to reflect the above findings and applicable regulatory authority.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency's determinations are hereby AFFIRMED, and the matter is REMANDED for action, as outlined above.

Officially approved final version. January 08, 2025

Natasha Johnson
Assistant Commissioner

